

CITY OF EUREKA
NOTICE OF AVAILABILITY OF DRAFT
TEXT AND LOCAL COASTAL PROGRAM AMENDMENTS
and
Notice of City Council Public Hearing

NOTICE IS HEREBY GIVEN that the City is providing “Notice of Availability of draft Text and Local Coastal Program amendments.” The draft Text and Local Coastal Program (LCP) Amendments are available for review on the City’s website at www.ci.eureka.ca.gov/depts/development_services/public_hearing_notices.asp and will amend the text of the Eureka Municipal Code and the Implementation Plan, which is the pertinent portion of the coastal zoning regulations.

Project Title: Cannabis Text and Local Coastal Program Amendments

Project Applicant: City of Eureka

Case Nos.: TA-16-0006/LCP-16-0005 (MOD-2018-6)

Project Description: : The City is proposing to amend Chapters 155 and 158 of the Eureka Municipal Code, and Title 10, Chapter 5 of the Local Coastal Program, which currently regulates cannabis in Eureka. The proposed amendments are drafted based on direction from City Council on August 7, 2018. The proposed amendments will: allow on site consumption of cannabis and cannabis products in appropriately licensed retail facilities and remove the restriction on cannabis signage. Since the proposed amendments are included in the Implementation Plan of the Local Coastal Program, in addition to an amendment to the text of the Municipal Code, an amendment to the LCP is also required.

FURTHER, NOTICE IS HEREBY GIVEN the Eureka City Council will hold a public hearing on Tuesday, October 2, 2018, at 6:00 p.m., or as soon thereafter as the matter can be heard, in the Council Chamber, Eureka City Hall, 531 “K” Street, Eureka, California, to consider the draft Text and LCP amendments.

The City of Eureka is the applicant for the Text and LCP Amendments and will carry out the amendments in accordance with the Coastal Act. Pursuant to the Coastal Act, final action by the City Council on the LCP amendments will not occur prior to six weeks after publication and mailing of the first “Notice of Availability of draft Text and Local Coastal Program Amendments” sent on August 31, 2018. The inland Text Amendments will take effect 30 days after Council adoption, and the LCP amendments will take effect upon Coastal Commission certification.

Environmental: Amending the text of the Eureka Municipal Code is a “project” for the purposes of the California Environmental Quality Act (CEQA). However, pursuant to the CEQA Guidelines section 15061, there is a general rule that CEQA applies only to projects which have the potential

for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the text amendment only allows retail uses in areas that already allow for retail and allows signs in areas that already allow signs, adopting the Text Amendment would not have a significant effect on the environment.

Pursuant to Section 21080.9 and 21080.5 and Division 20, Chapter 6 of the Public Resources Code, the Coastal Commission's review and development process for LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by the California Environmental Quality Act (CEQA). Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments. Based on the Public Resources Code Sections cited above, the City of Eureka exempts from CEQA the LCP amendments to cannabis.

All interested persons are invited to comment on the draft amendments either in person at the scheduled public hearings, or in writing. Written comments on the draft amendments may be submitted either at the hearing or prior to the hearing by mailing or delivering them to the Community Development Division of the Development Services Department, 531 "K" Street, Eureka, CA 95501; or by emailing them to rdumouchel@ci.eureka.ca.gov.

Americans with Disabilities Act: Accommodations for handicapped access to City meetings must be requested of the City Clerk, 441-4175, five working days in advance of the meeting.

Notes: If you challenge the nature of the proposed action in court, you may be limited to raising only those issues that you or someone else raised at a public hearing described in this notice or written correspondence delivered to the public entity conducting the hearing at or prior to the public hearing. The draft amendments are available for review at the Development Services Department Community Development Division, Third Floor, City Hall. If you have questions regarding the draft amendments to the Eureka Municipal Code or this notice, please contact Rob Dumouchel, Associate Planner, phone: (707) 441-4164; fax: (707) 441-4202; e-mail: rdumouchel@ci.eureka.ca.gov